



FILED

02/11/22
04:59 PM

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

Michael Hetherington and
Janet Hetherington,

Complainants,

vs.

Pacific Gas and Electric Company
(U39E),

Defendant.

Case No. C.10-10-010
(Filed October 13, 2010)

**PACIFIC GAS AND ELECTRIC COMPANY'S (U 39 E)
PETITION FOR MODIFICATION OF D.16-03-013**

GRANT GUERRA

Pacific Gas and Electric Company
PO Box 7442
San Francisco, CA 94120
Telephone: (925) 519-5239
Facsimile: (415) 973-5520
E-Mail: grant.guerra@pge.com

Dated: February 11, 2022

Attorneys for
PACIFIC GAS AND ELECTRIC COMPANY

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

Michael Hetherington and
Janet Hetherington,

Complainants,

Case No. C.10-10-010
(Filed October 13, 2010)

vs.

Pacific Gas and Electric Company
(U39E),

Defendant.

**PACIFIC GAS AND ELECTRIC COMPANY'S (U 39 E)
PETITION FOR MODIFICATION OF D.16-03-013**

I. INTRODUCTION.

Pursuant to Rule 16.4 of the Rules of Practice and Procedure of the California Public Utilities Commission (Commission or CPUC), Pacific Gas and Electric Company (PG&E) respectfully submits this Petition for Modification of Decision (D.)16-03-013 with respect to the orders to provide monitoring of usage for a five year period and to remove PG&E's test meter.

The Commission's 93-page Decision in D.16-03-013 concluded a customer complaint case with a long procedural history. Among other things, D.16-03-013 granted Complainant's principal request sought in the Complaint, that PG&E relocate its SmartMeter to a new location near Complainant's residence.¹ The Decision further ordered PG&E undertake an ongoing monitoring program to enable Complainant to monitor the electric usage at two different metering points. This Petition requests two modifications to D.16-03-013 related to the monitoring program. First, PG&E respectfully request that the Commission authorize PG&E to conclude the monthly monitoring program that was ordered in D.16-03-013 for a five year period to enable the Complainant to monitor the usage at either end of his electric service line. Second, PG&E requests the Commission's approval to remove the second test meter, located 1.5 miles from the Complainant's residence.

¹ Although the original complaint was brought by Michael Hetherington and Janet Hetherington, PG&E understands that Mrs. Hetherington is now deceased. This petition will therefore refer to Mr. Hetherington as the Complainant.

To address Complainant's allegations there may be illegal diversion from his customer-owned service line, D.16-03-013 required that PG&E compile the data collected from two separate meter locations: 1) Complainant's billing meter, which was to be relocated to an existing meter socket located near his residence, and 2) a "test meter" located 1.5 miles by road from Complainant's residence.² D.16-03-013 further ordered that PG&E prepare a monthly monitoring report, which provided a comprehensive but customer-friendly analysis and explanation of any measured differences in recorded usage, including PG&E's analytical substantiation of these differences, and the cost of the differences in usage.³ D.16-03-013 required that PG&E provide these monthly reports for five years, 2016 through 2020.⁴ The Commission recognized that "[a]t that time, PG&E may petition the Commission for modification of this aspect of this decision."⁵

Following the adoption of the D.16-03-013 and consulting with the Energy Division on the format of the reporting, PG&E initiated the monthly monitoring program in September, 2016. PG&E has provided monthly reports to Complainants for a continuous period of 63 months.⁶ At no time during this reporting period did PG&E uncover any anomalies that would indicate there was any suspected diversion from the customer-owned service line.⁷

The requested modifications to D.16-03-013 would be consistent with the Commission's conclusion while no power diversion from Complainant's customer-owned line was taking place⁸, the monitoring program would enable Complainants to continue to monitor the usage at either end of their service line for a five year period. PG&E has provided monthly monitoring reports for the required five year period, commencing in September, 2016 and continuing through January, 2022. PG&E's

² D.16-03-013, at p. 4, 78. Ordering Paragraph 8 had further required PG&E relocate Complainants' SmartMeter from its original location to a meter socket adjacent to Complainants' premises. Accordingly, the billing meter was located at the residence, and the test meter was placed at the original meter location, 1.5 miles by road from the Complainant's residence.

³ D.16-03-013, at p. 78. The Decision ordered that the monthly monitoring reports be provided to both Complainants and to the Commission's Energy Division. At the direction of the Energy Division these reports were provided to David Lee with the Energy Division staff. See Patrick Mulshine Declaration, paragraph 3.

⁴ D.16-03-013, at p. 78.

⁵ D.16-03-013, at p. 78.

⁶ Declaration of Patrick Mulshine, paragraph 3.

⁷ Declaration of Patrick Mulshine, paragraph 3.

⁸ Finding of Fact No. 4.

continuous monitoring of the customer-owned service line from two different metering points during this monitoring period had not detected any power diversion. The results of the monitoring program for the past 63 months advances and confirms the Commission’s own Finding of Fact No. 4 that there was no power diversion occurring on the customer-owned service line. D.16-03-013 authorized PG&E to seek to modify the decision after providing the monitoring reports for a five year period. PG&E requests the Commission authorize PG&E to conclude the monitoring reports, and revert to providing Complainants a standard monthly billing statement, which includes information on electric usage and costs.

In addition, PG&E requests the Commission’s approval to remove the second test meter, which is used solely in connection with the required monitoring program and does not serve any billing function.⁹ PG&E’s proposed modifications are set forth in Appendix A.

II. STANDARD OF REVIEW

The Commission may “rescind, alter, or amend any order or decision” it has made.¹⁰ This authority may be exercised pursuant to a petition for modification filed in accordance with Rule 16.4(a), which “asks the Commission to make changes to an issued decision.”¹¹

Rule 16.4(d) requires that if more than one year has elapsed, the petition must also explain why the petition could not have been presented within one year of the effective date of the decision. D.16-03-013 was issued in May, 2016, and ordered the provision of monthly monitoring reports to Complaint for a five year period. D.16-03-013 recognized that PG&E may petition to modify the decision at the completion of the five year monitoring period.

III. DISCUSSION.

PG&E requests Commission approval to conclude the monitoring program ordered by D.16-03-013. In accordance with D.16-03-013, PG&E has provided Complainant with monthly monitoring reports for a five year period.¹² The monthly monitoring reports have also submitted to the Energy Division for its review of the monitoring program.

⁹ Declaration of Patrick Mulshine, paragraph 4.

¹⁰ Pub. Util. Code § 1708.

¹¹ Rule 16.4(a).

¹² Declaration of Patrick Mulshine, paragraph 3. The monitoring reports commenced in September, 2016

This Petition requests that PG&E be relieved of continuing to devote further resources associated with continuing the monitoring program beyond the five year period. PG&E has not detected any power diversion from the customer-owned line during this monitoring period that would warrant extending the monitoring for any additional period.¹³ Going forward, the Complainant will continue to receive the regular monthly billing statements which includes information on electric usage and costs. In addition, the Complainant may access the energy usage online at pge.com/MyEnergy, where customers may monitor and manage their energy usage, costs and bills online. Under these circumstances, PG&E submits that the monitoring requirements in D.16-03-013 have been satisfied. PG&E's analysis of the data over the course of the monitoring period has not uncovered any evidence of diversion, which was the original purpose of the monitoring requirement. Although monitoring will no longer be measured at two separate metering points, the Complainant will continue to have access to usage information associated with his account online, including interval usage information.

IV. CONCLUSION.

For the foregoing reasons, PG&E therefore respectfully requests that the Commission modify D.16-03-013 to authorize it to conclude the monthly monitoring program and remove the test meter as set forth in Appendix A.

Respectfully Submitted,

GRANT GUERRA

By: /s/ Grant Guerra
GRANT GUERRA

Pacific Gas and Electric Company
PO Box 7442
San Francisco, CA 94120
Telephone: (925) 519-5239
Facsimile: (415) 973-5520
E-Mail: grant.guerra@pge.com

Dated: February 11, 2022

Attorneys for
PACIFIC GAS AND ELECTRIC COMPANY

¹³ and have continued through January, 2022, for a total of 63 months.
Declaration of Patrick Mulshine, paragraph 3.

Appendix A

**PG&E's Proposed Modifications to Decision 16-03-013,
Including Findings of Fact, Ordering Paragraph**

PG&E's Proposed Modifications to Decision 16-03-013,
Including Findings of Fact and Ordering Paragraph

Proposed text additions are in bold and underlined (**abcd**).

Reference	Proposed Modifications
Page 87	<u>PG&E has filed a petition for modification, requesting that it be authorized to conclude the monitoring program and remove the test meter.</u>
Finding of Fact 10	<u>PG&E has completed the monitoring program for the five year period required under Section 6.3.3.4(1)(c) of this Decision. PG&E's monitoring program has not uncovered any power diversion from the service line that would warrant extending the monitoring for any additional period.</u>
Ordering Paragraph 12	<u>For good cause shown, PG&E's petition to modify is granted. PG&E is authorized to conclude the monitoring program and remove the test meter.</u>